

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
OCTOBER 3, 1995

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Present: Commissioner Barbara R. Thompson, , President
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
Aleck Loker, County Administrator
Judith A. Spalding, Recorder

CALL TO ORDER

The meeting was called to order at 1:45 p.m.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, September 26, 1995 and the Building Code Public Hearing minutes of September 26, 1995. Motion carried.

APPROVAL OF BILLS

Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Check Register. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Aleck Loker, County Administrator

- 1) **Budget Amendment No. 96-9
Half Pone Point Road Revetment Project**

The County Administrator presented the referenced Budget Amendment with the following justification: To provide funds for the Half Pone Point Road Revetment Project (\$2,768).

The Commissioners requested that the referenced budget amendment be held until the Director of Public Works comes before the Board later in the day.

Later in the meeting Mr. Ichniowski, Director of Public Works, explained that at the sharp turn on Half Pone Point Road there is serious erosion at the bottom and would potentially wash away the road. An interest-free loan has been applied for from the State to go forward with the shore erosion control project. The transfer is from leftover funds from the Sandgates Road project which has been completed

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser to approve and authorize Commissioner Thompson to sign the Budget Amendment as presented. Motion carried.

- 2) **Bell Atlantic Distance Learning Network**

The County Administrator presented correspondence addressed to Maryland Public Television, Charles County Community College, and Higher Education Center suggesting that the new Community College or the new Southern Maryland Higher Education Center be considered as a site for the Bell Atlantic Distance Learning Network meetings.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to sign the letters as presented. Motion carried.

3) **Designation of Lexington Park
for Neighborhood Business Development Program**

On behalf of the Department of Economic and Community Development the County Administrator presented the following documents

- Resolution designating Lexington Park as a "designated neighborhood" for participation in the Neighborhood Business Development program.
- Correspondence to Maryland Department of Housing and Community Development forwarding documents support the designation of Lexington Park as a revitalization area eligible for Neighborhood Business Development Program assistance.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign the Resolution and correspondence as presented. Motion carried.

4) **Letters of Appreciation
Airport Commission Members**

The County Administrator presented letters of appreciation to three members of the Airport Commission who recently resigned--David Seeman, Richard Wilson, and William McGarity.

Commissioner Brugman moved, seconded by Commissioner Chessser, to sign and forward the letters as presented. Motion carried.

5) **Board of Education Grant Awards**

The County Administrator advised that correspondence dated September 27, 1995 was received from the Superintendent of Schools advising that grant award for "Maryland Virtual High School of Science and Mathematics" in the amount of \$39,500 was not included in the Approved Operating Budget for Fiscal Year 1996. The letter requests permission to incorporate this grant award into the '96 budget.

Therefore, County Administrator Loker presented return correspondence approving the inclusion of the grant award into the Fiscal Year 1996 budget.

In response to an inquiry from Commissioner Eagan relative to "other costs" referred to in the grant award, Mr. John Roth, Board of Education Member, who was present during the discussion, explained that it was for teacher training, telephone hookup and internet connection charges.

Commissioner Jarboe moved, seconded by Commissioner Chessser, to approve and authorize Commissioner Thompson to sign the letter, as presented. Motion carried.

6) **State Capital Improvement Program
Fiscal Years 1997 - 2002**

As a follow up to the September 19 presentation by Public School representatives, the County Administrator indicated that the Commissioners could either adopt a Resolution or sign a letter as follows:

- Resolution indicating the County's intent to provide such operational funds and services as are or may become necessary to adequately operate, maintain, and staff public school facilities with the State Capital Improvement Program for Fiscal Year 1997.

- Letter addressed to State Public School Construction Program indicating the County's commitment to funding the educational needs of the County and will endeavor to make school construction funding one of its highest priorities. The letter further indicates that final commitment for funding of the local share for each project requested is contingent upon written confirmation from the Interagency Committee for Public School Construction that the State's share of funds has been approved for each of the projects.

After discussion Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and sign the letter to State Public School Construction Program. Motion carried.

9) **Possible Legalization of Casino Gambling**

Relative to the recent issue of the possibility of legalization of casino gambling in Maryland, the County Administrator presented the following:

- Correspondence, in response to August 30 letter from Marylanders Against Casinos, indicating that each of the Commissioners have taken positions against casino gambling.

Commissioner Jarboe suggested amending the letter to indicate that the Commissioners have taken a united position against casino gambling within the boundaries of St. Mary's County.

After discussion Commissioner Jarboe moved, seconded by Commissioner Chesser to sign and forward the letter as amended. Motion carried.

- Memorandum dated September 26 offering Economic Development Commission's assistance in reviewing the effect of legalized gambling from an economic perspective.

Commissioner Jarboe moved, seconded by Commissioner Chesser to decline the offer from EDC and advise that the Commissioners have taken a united stand against casino gambling within the boundaries of St. Mary's County. Motion carried.

10) **Acceptance of Deed
Wicomico Shores - Lot 179**

As a follow up to the Commissioners' action of September 26 to authorize the Director of Recreation and Parks to proceed with the acquisition of Lot 179 at Wicomico Shores for the Wicomico Golf Course, the County Administrator presented a Deed between George Buckler and the Board of County Commissioners convey Lot 179 to the County for \$23,000. The property was purchased with funding from Maryland Program Open Space.

Commissioner Chesser moved, seconded by Commissioner Eagan, to accept and authorized Commissioner Thompson to sign the Deed as presented. Motion carried.

PROCLAMATIONS

The Commissioners presented the following Proclamations:

- Designating the week of October 1 - 7, 1995 as Mental Health Awareness Week
- Designating October as National Breast Cancer Awareness Month

VOICE MAIL DEMONSTRATION

Present: Margo Dotson, Bell Atlantic
Mary Duke, Procurement Office
Judy Pedersen, Information Specialist

The referenced individuals appeared before the Commissioners to demonstrate the new voice mail system which will allow greater access to county services and will provide information to the public. The system includes an after-hour component which will allow citizens to leave a message after 5 p.m. and weekends as well as an information line providing details on upcoming public hearings and meetings.

The Bell Atlantic System, currently a pilot program, provides service to the County Commissioners, County Administrator, Department of Law and the Administrative Officer.

LEGAL DEPARTMENT REQUEST FOR CHANGES IN OPERATING PROCEDURES

Present: Doug Durkin, County Attorney

Because of the heavy workload and in order to operate more efficiently, Mr. Durkin appeared before the Commissioners to present the following recommendations for changes in operating procedures in the Legal Department:

Document Review Policy

That the Commissioners rescind unwritten policy of the County Attorney reviewing standardized routine documents from the Department of Public Works. Mr. Durkin, at a later time, will develop revised standardized forms and contracts.

Planning & Zoning Appeal Policy

That the Commissioners adopt a Resolution establishing a policy regarding the County's participation in appeals of planning and zoning decisions; that the discretionary decision-making authority relative to participation in appeals of planning and zoning decisions be delegated to the County Attorney and Planning Director.

Collection Lawsuits

That the Commissioners approve the concept of amending policies and resolutions regarding collections and extensions of credit.

Clients to be Served

That the Commissioners delegate to the County Administrator the authority to prioritize the requests for legal services.

In conclusion the Commissioners indicated concurrence with the recommendations of the County Attorney and requested that he put the requests in writing in form of a motion for formal consideration by the Board.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) Maryland Route 235 Update

Mr. Ichniowski advised the Commissioners that there will be a public workshop regarding improvements to Maryland Route 235 on Wednesday, October 11 at Green Holly School. He stated that the Focus Group has been meeting since September 1994 to develop alternatives and enhancements for Route 235 and is now ready to present them at the workshop.

2) **Department of Transportation
Annual State Highway Tour**

Mr. Ichniowski informed the Commissioners that the Department of Transportation will be meeting with local officials to present the State's Transportation Program and to provide an opportunity for questions and comments.

During discussion Mr. Ichniowski recommended that a letter be forwarded to DOT in advance requesting that certain specific areas be addressed at the meeting.

3) **Budget Amendment No. 96-8
Mulberry South Taxing District**

As a follow up to last week's discussion Mr. Ichniowski explained referenced Budget Amendment No. 96-8 - Mulberry South Taxing District in the amount of \$83,120. He stated that funds would come from the third Wicomico Shores Special Taxing District, which has not yet gone forward. The project was placed in the FY 1996 budget in anticipation of receiving a petition from the property owners; however, it has not been received. Because Mulberry had not been included in the budget, the request was to transfer funds from Wicomico Shores Taxing District with the idea it would be resubmitted in the FY '97 budget.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 96-8 as presented. Motion carried.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director

1) **Agricultural Land Preservation Program
Application for Certification**

Mr. Grimm presented the revised Agricultural Land Preservation Application for Certification in accordance with State Guidelines. He advised that there had been a previous submission which had been rejected by the State in a letter which identified the County's program deficiencies. The revisions were made pursuant to the State's request. During his review of the additions to the Program, Mr. Grimm stated it was his belief that the revisions do nothing to change the Application, but clarifies and expands certain points.

After discussion Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Application for Certification of the County's Agricultural Land Preservation Program. Motion carried.

2) **Adoption of Building Code**

As a follow up to the August 29 and the Commissioners' actions of September 26, Mr. Grimm presented the revised Ordinance for the Adoption of the Building Code.

After review of the revisions, Commissioner Chesser moved, seconded by Commissioner Brugman, to approve and sign the Ordinance Adopting the Building Code. Motion carried.

PROPOSED SENIOR HOUSING TASK FORCE

Present: Gene Carter, Director, Office on Aging

Mr. Carter advised the Commissioners that the Maryland Office on Aging has indicated a willingness to make available to the County the endowment funds from the Colton Estate. In addition the State has suggested that the Commissioners appoint a task force to evaluate senior

housing needs and to recommend a project or projects which could be partly funded by the Colton Endowment. After the project has been identified, the group could work with the State Office on Aging on the transfer of funds to the County Commissioners so that the County could guide the use of the funds.

After discussion the Commissioners gave concurrence to direct the County Administrator to develop a list of proposed membership categories and to advertise for applicants through the media.

In closing Mr. Carter advised that Mr. Colton had appeared before the Commissioners and stated that he wanted a foundation established to administer the endowment; however, Mr. Carter indicated that this will be a straight forward transfer to the Board of County Commissioners for application toward a senior housing project. There will be no foundation.

SUB ACUTE CARE DISCUSSION

Present: Dr. William Marek
St. Mary's Hospital Representatives
St. Mary's Nursing Center Representatives

Dr. Marek appeared before the Board to explain the issue of the hospital's application to Maryland Health Resource Planning Commission for sub acute care beds in accordance with legislation adopted by the Maryland General Assembly and the Nursing Center's rebuttal to the application which was filed with the State. He stated that at the request of the Commissioners, he got involved with negotiations between the two facilities and indicated there were several meetings over a three-month period during which time both CEO's agreed that they did not want to hurt the other financially. Dr. Marek reported that negotiations ceased when the MHRPC made the decision to not allocate the "sub acute" beds to St. Mary's Hospital and instead allocated the beds to the Southern Maryland Hospital.

Dr. Marek explained that he believed the problem stemmed from the original legislation and the lack of definition for "sub acute" care, and there was a large gap between what the hospital and nursing center each thought "sub acute" care was.

In concluding his presentation Dr. Marek indicated there was a need to continue efforts to develop a local definition for "sub acute" care and how it would be implemented at each of the two facilities. He suggested the establishment of an ad hoc committee, under his leadership, consisting of representatives from the hospital, the nursing center, and the physicians' committee.

COUNTY COMMISSIONERS' TIME

Letter to Solid Waste Task Force

Commissioner Thompson presented correspondence giving direction to the Solid Waste Task Force for action. The letter indicates that the main focus should be the examination of how transfer station fees could be implemented and how to encourage recycling while recovering sufficient costs to operate this facet of solid waste. The letter further requests an explanation of the Task Force's proposal to increase tipping fees by providing an analysis of projected costs.

During discussion Commissioner Jarboe recommended amending the letter to add the words "within our current operation" after "We agree that solid waste cannot currently be viewed as a reliable revenue source".

After discussion Commissioner Jarboe moved, seconded by Commissioner Chesser, to sign and forward the letter to the Solid Waste Task Force as amended. Motion carried.

7:00 P. M.

PUBLIC FORUM

The Commissioners conducted the regular monthly public forum accepting comments and questions from the audience as follows:

Steve Welkos (County Director of Finance) - In response to last month's inquiry regarding the request for legislation for new bond authorization in the amount of \$20M, Mr. Welkos explained that \$20M was approved by the Maryland General Assembly in 1993 and that \$8.3M of that amount had not yet been issued although projects using those funds have been identified. He indicated that he is in the process of developing a list of projects using the requested additional authority of \$20. County Administrator Loker pointed out that by the time final legislative package is submitted to our legislators, there will be a complete list of projects justifying the bonding authority.

With regard to the County's debt limit, Mr. Welkos reported that the County's debt limit, which is 5% of property assessable base, is \$83M, and as of July 1995, the County has \$45M outstanding.

Vaughn McCall - Point out that the inquiry regarding the bond issue came from the citizens and that the response by staff was directed toward the Commissioners. He inquired as to the use of the bond issue. Commissioner Thompson responded that this information is being gathered.

Dick Myers (on behalf of Rosalind Tyler - Animal Welfare League) - Addressed ongoing problems and complaints regarding Tri-County Animal Shelter; indicated the need for a shelter centrally located in St. Mary's; requested the Commissioners look into the possibility of reducing the 20-acre requirement for an animal shelter and also the possibility of allowing shelters in industrial areas; requested assistance in finding land; submitted a petition requesting discussion regarding the establishment of a humanely run shelter in the County; suggested the formation of a tri-county shelter advisory committee; and suggested the possibility of privatizing the shelter.

Ken Hastings - Referred to the Bedminster Bioconversion Corp. video shown earlier in the day regarding composting and stated that he did not believe the problem was with compost but with how the project is handled; stated he was skeptical about composting and did not agree that there would be no odor as stated in the video.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.

**Minutes Approved by Board of
County Commissioners on 10/10/95**

Judith A. Scolding
Recording Secretary